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In re Application of: Ake Ehrlund	:	
Application No.: 10/576,820	:	
PCT Application No.: PCT/SE02/01600	:	DECISION ON
Int. Filing Date: 06 September 2002	:	PETITION UNDER
Priority Date Claimed: 30 May 2002	:	37 CFR 1.181
Attorney Docket No.: 68243-77834	:	
For: CHILD RESISTANT PACKAGE WITH	:	
SLIDABLE TRAY SECTION	:	

This decision is in response to the petition under 37 CFR 1.181 filed on 24 April 2006, requesting entry into the national stage from international application No. PCT/SE02/01600 in accordance with 35 U.S.C. 371. The petition is **GRANTED**.

**BACKGROUND**

On 06 September 2002, applicant filed international application PCT/SE02/01600, which claims priority to a Swedish application filed on 30 May 2002. A demand for international preliminary examination, in which the United States was elected, was timely filed on 28 November 2003. Accordingly, the thirty-month period for commencement of the national stage in the United States and paying the basic national fee expired at midnight on 30 November 2004.

On 24 April 2006, applicant filed the present petition accompanied by, *inter alia*, a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 (Form PTO-1390) with authorization to charge the basic national fee, a copy of the international application as filed (35 U.S.C. 371(c)(2)) and a copy of a date stamped return receipt post card. The post card receipt for a "US NATIONAL PHASE APPLICATION" lists the above international application number and attorney docket number, and bears a date stamp by the United States Patent and Trademark Office of "DT03 Rec'd PCT/PTO 29 NOV 2004."

### DISCUSSION

A review of the image file wrapper (IFW) of the application indicates that the papers filed on 29 November 2004 have been located and associated with the IFW. However, the papers are absent a transmittal letter (Form PTO-1390).

Applicant provides sufficient evidence that the submissions required to begin entry into the national stage were timely filed in the United States Patent and Trademark Office on 29 November 2004. As provided in MPEP 505, "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." The copy of the postcard receipt submitted with the petition lists, *inter alia*, a "Cover sheet (2 pages)." The petition includes a statement by counsel referring to "herewith enclosed copies of the originally filed documents," from which it may be reasonably concluded that the 2-page transmittal letter (Form PTO-1390) submitted on 24 April 2006 is a copy of the originally filed "Cover sheet (2 pages)." The transmittal letter submitted on 24 April 2006 includes an authorization to charge the requisite national filing fee, and an inspection of the application file indicates that the requisite national filing fee has been charged accordingly. In view of the return receipt post card and counsel's statement that the enclosed copies are copies of the originally filed documents, along with payment of the national filing fee, the submissions required to begin entry into the national stage are accepted as having been timely submitted on 29 November 2004.

### CONCLUSION

For the reasons discussed above, the petition under 37 CFR 1.181 for entry into the national stage from international application No. PCT/SE02/01600 is **GRANTED**. The submission filed on 24 April 2006, specifically the transmittal letter (Form PTO-1390), is hereby accepted as having been timely filed on 29 November 2004.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PTO/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497, any applicable claim fees, and the surcharge for filing the oath or declaration later than thirty months from the priority date.



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